

OCT 27 2004

**FAX TRANSMISSION****DATE:** October 27, 2004**PTO IDENTIFIER:** Application Number 09/889,287-Conf. #2444  
Patent Number**Inventor:** John A. Montgomery et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

Burton A. Amernick

**PHONE:** (202) 331-7111**Attorney Dkt. #:** 21381-00067-US**PAGES (Including Cover Sheet):** 5**CONTENTS:** D.A. auth \$225  
Fee transmittal  
Transmittal Of Additional Fees and Declaration of Burton A. Amernick  
Certificate of Transmission under 37 CFR 1.8 (1 page).

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**CONNOLLY BOVE LODGE & HUTZ LLP**  
1990 M Street, N.W., Suite 800, Washington, DC 20036-3425  
Telephone: (202) 331-7111 Facsimile: (202) 293-6229

PTO/SB/97 (12-97)

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Date



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Fee transmittal

Transmittal Of Additional Fees and Declaration of Burton A. Amernick

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OCT 27 2004

Docket No.: 21381-00067-US  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
John A. Montgomery et al.

Application No.: 09/889,287

Confirmation No.: 2444

Filed: July 16, 2001

Art Unit: 1623

For: METHODS FOR SYNTHESIZING 2-  
CHLORO-9-(2-DEOXY-2-FLUORO-B-D-  
ARABINOFURANOSYL)-9H-PURIN-6-  
AMINE

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Examiner: D. Khare

**TRANSMITTAL OF ADDITIONAL FEES AND**  
**DECLARATION OF BURTON A. AMERNICK**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

It has come to the undersigned's attention that small entity status was claimed in the filing of a Notice of Appeal and a Petition for Extension of Time under 37 CFR 1.136(a) on September 20, 2004 in the above-referenced case, and that, consequently, the fees paid for these filings were paid at the small entity rates. The small entity claim was erroneous and therefore the fees paid were deficient.

In order to correct this error, attached is a Fee Transmittal for FY 2005 authorizing payment of the additional fees required.

I hereby declare that the error was clerical, that there was no intent to deceive or otherwise defraud the United States Patent and Trademark Office, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful

Application No.: 09/889,287

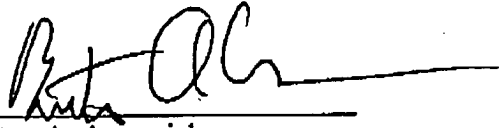
Docket No.: 21381-00067-US

false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

If anything further is required in order to correct the error which occurred, or if there are any questions, please do not hesitate to contact me.

Dated: October 25, 2004

Respectfully submitted,

By 

Burton A. Amernick

Registration No.: 24,852

CONNOLLY BOVE LODGE &amp; HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicant

PTO/SB/17 (10-04v2)


Approved for use through 7/31/2008. OMB 0851-0032

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<b>FEE TRANSMITTAL for FY 2005</b>		<b>Complete if Known</b>	
<small>Effective 10/01/2004. Patent fees are subject to annual revision.</small>		Application Number	09/889,287-Conf. #2444
		Filing Date	July 16, 2001
		First Named Inventor	John A. Montgomery
		Examiner Name	D. Khare
		Art Unit	1623
		Attorney Docket No.	21381-00067-US
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
<b>TOTAL AMOUNT OF PAYMENT (\$)</b> 225.00			

<b>METHOD OF PAYMENT (check all that apply)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		<b>3. ADDITIONAL FEES</b>  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,620</td><td>1812</td><td>2,620</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td>55.00</td></tr> <tr><td>1252</td><td>430</td><td>2252</td><td>215</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>980</td><td>2253</td><td>490</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,530</td><td>2254</td><td>765</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,080</td><td>2255</td><td>1,040</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>340</td><td>2401</td><td>170</td><td>Notice of Appeal</td><td>170.00</td></tr> <tr><td>1402</td><td>340</td><td>2402</td><td>170</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>300</td><td>2403</td><td>150</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit all overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.																																																																																																																																																																																					
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Name (Print/Type)	Burton A. Amerjian	Registration No. (Attorney/Agent)	24,852																																																																																																																																																																																		
Signature		Telephone	(202) 331-7111																																																																																																																																																																																		
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